

REMARKS

This amendment is submitted in response to the Examiner's action dated August 1, 2006 having a shortened statutory period set to expire on November 1, 2006.

In that rejection the Examiner has rejected Claims 1, 4-6, 8, 11, 15, 18, 21, 23, 25 and 26 under 35 U.S.C. § 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. That rejection, in so far as it might be applied to the claims as amended herein, is respectfully traversed.

Specifically, the Examiner notes a belief that within Claim 1, at line 4, the term "persistent" is not clear. The Applicant does not understand the Examiner's confusion as the Applicant has used the term "persistent" in its ordinary everyday meaning. Specifically, as defined in Webster's New Colligate Dictionary, persistent generally means "continuing or inclined to persist" or "existing for a long or longer than usual time or continuously." Applicant submits herewith a copy of that definition should the Examiner require further clarification.

Next, the Examiner objects to the language "may be" within Claims 1 and 8 at lines 5 and 9 and 3 and 7 respectively. While the Applicant believes that this particular language does not render the claims unclear, Applicant has amended each of these claims to recite positively that the transaction group "can be" "treated both as..."

With respect to Claim 15, the Examiner believes this claim is directed toward software language which constitutes first, second and third instructions which the Examiner believes are "pure software limitations." Applicant urges the Examiner to consider that Claim 15 expressly recites that these instructions are embodied within "computer usable medium" and, following the Director's decision to withdraw from the Appeal in *in re Beauregard*, 53 F3d 1583 (Fed Cir 1995), stating that computer instructions embodied within computer usable medium do constitute patentable subject matter. Nevertheless, in order to further clarify this language, Applicant has amended Claim 15 to recite a first "instruction set" and a second "instruction set" each of which is now expressly recited as being "embodied within computer usable medium" and the Examiner is urged to consider that such language clearly constitutes patentable subject matter under current patent office interpretation.

With respect to Claims 21, 25 and 26, in order to attempt to expedite the seemingly interminable prosecution in this application, Applicant has canceled Claims 21, 23, 25, and 26. Thus, the Examiner's objection to these claims is believed to be rendered moot.

Next, the Examiner has rejected Claims 1, 4-6, 8, 11 and 18 under 35 U.S.C. § 101 believing the claimed invention lacks patentable utility. This position is believed to be based upon the Examiner's interpretation of the "may be" language previously within Claims 1 and 8 and as that language has been amended the Examiner's position with respect to this rejection is no longer believed to be valid.

Next, the Examiner has raised, for the first time in the long prosecution history of this application, a belief that a restriction requirement may be required noting "this application contains claims directed to the following patentably distinct species: Figs. 1, 2A, 2B, 3, 4A, 4B. The species are independent are distinct because each contains features not disclosed from the other Figures."

Applicant has carefully examined Chapter 800 of the Manual of Patent Examination Procedure regarding "Restriction In Applications Filed under 35 U.S.C. § 111" and fails to find any basis therein for assertion of a restriction requirement based upon features disclosed in selected Figures which are not disclosed in other Figures within the application. Specifically, under Chapter 800, Section 802.01, restriction is proper when claimed inventions are independent and/or distinct. Independent inventions are defined as inventions where there is "no disclosed relationship between two or more inventions claimed, that is, they are unconnected in design, operation, and effect." Further, Section 802.01 notes that related inventions are "distinct if the inventions *as claimed* are not connected in at least one of design, operation, or effect and wherein at least one invention is PATENTABLE OVER THE OTHER...."

Thus, the Examiner's position that species within the present application are independent or distinct as a result of features disclosed within selected Figures and not disclosed within other Figures is not believed to have merit.

Further, Claims 1, 8 and 15, the independent claims remaining in the present application, are clearly not independent and/or distinct as required in Chapter 800 for a restriction

requirement. Claim 1 recites a method for facilitating account statement reconciliation while Claim 8 recites an apparatus for facilitating account statement reconciliation while Claim 15 recites a computer program product for performing account statement reconciliation. Chapter 800 of the Manual of Patent Examination Procedure makes it clear that a process or method and an apparatus utilized to practice that process are dependent inventions and not subject to possible restriction requirement. Consequently, the Examiner's urging of restriction, in so far as it might be applied to the claims remaining within the present application, is believed to be without merit and its withdrawal is respectfully requested.

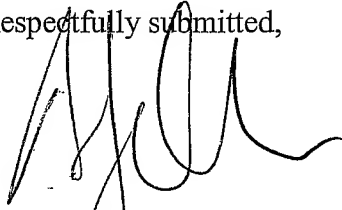
The Examiner also notes an interest in *Purcell*, United States Patent Number 5,727,161, noting that this reference "appears to disclose Applicant's inventive concept." Applicant sincerely hopes that this application of *Purcell* is based upon an unduly broad interpretation of Applicant's claims based upon the Examiner's misapprehension with respect to the previous language within the claims. Applicant has carefully examined *Purcell* and fails to find the slightest scintilla of a suggestion of Applicant's inventive concept, as currently claimed.

In summary, Claims 1, 4-6, 8, 11, 15 and 18 clearly define patentable subject matter over the prior art of record and, as amended herein, lack any vagueness or indefiniteness when read by one having ordinary skill in the art. Consequently, Applicant urges the withdrawal of all objections and rejections and the passage of this application to issue.

CONCLUSION

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **Deposit Account 09-0447**.

Respectfully submitted,



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PS

New Collegiate Dictionary

A Merriam-Webster®

G. & C. MERRIAM COMPANY
Springfield, Massachusetts, U.S.A.

ed ability to absorb
or
in aromatic French

eroneus, fr. *perone*
igh — more at FOR
V, fr. L *per* through
through or by way

ating [L *peroratus*,
an oration, fr. *per-*
ORATION] 1: to
make a peroration
concluding part of
retorical speech —
adj

yme that catalyzes
as
containing a high
rogen peroxide) in
m — *per-ox-idic*

peroxide; esp: to

3-some]: a cyto-
production and
i-som-al \-rāk-sa-
-]: containing the

er- thoroughly +
vt: to reflect on
LECT

perpendicular, fr.
no line, fr. *per-* +
standing at right
ight b: being at
tely steep: PRE-
dian Gothic style
e 4: relating to,
nilar type or on
— *per-pen-dic-u-*
-rily \-dik-yə-lər-

the plane of the
tremely steep face

L *perpetratus*, pp.
nplish]: to bring
— *per-pe-tra-tion*
-trāt-ər- n

ME *perpetuel*, fr.
go to — more at
bic b (1): valid
r for an unlimited
ong-continued 3
syn see CONTINU-

adv
e day of the week
endar having the
1 dates

tecks to which an
iw in chess
g [L *perpetuus*,
etual or cause to
-ation \-pech-ə-
-n

IE *perpetuite*, fr.
fr. *perpetuus*] 1
ate of being per-
condition of an
within the period
annuity payable

end of piperazine
S that is used to
choic conditions
ed, perplexed, fr.
olvid, fr. pp. of
to make unable
l decisively about
blem> 2: to
PUZZLE

nty: PUZZLED 2
; -pleks-tē-adv
erplexite, fr. OF
rplexus] 1: the
something that

quired by other
ut of perquisitus,
to search for
to seek] 1: a
ry or wages; esp
something held
cepts... not the

erre, pierre rock,
leading up to a

per-ry \per-ə- n [ME *peirrie*, fr. MF *peré*, fr. (assumed) VL
piratum, fr. L *pirum* pear]: the expressed juice of pears often made
alcoholic by fermentation
pers abbr person; personal; personnel
Pers abbr Persia; Persian

per-salt \pər-solt- n 1: a salt containing a relatively large
proportion of the acidic element or group 2: a salt of a peracid
perse \pərs- adj [ME *pers*, fr. MF, fr. ML *persus*]: dark grayish
blue and resembling indigo

per-se \pəp-sə also pə-sə or \pəp-sē- adv [L]: by, of, or in
itself or oneself or themselves: as such: INTRINSICALLY
per second per second adv: per second every second — used of
a rate of acceleration over an indefinite period

per-se-cute \pər-si-kyüt- vt -cut-ed; -cut-ing [MF *persecuter*,
back-formation fr. *persecuteur* persecutor, fr. LL *persecutor*, fr.
persecutus, pp. of *persequi* to persecute, fr. L, to pursue, fr. *per-*
through + *sequi* to follow — more at SUE] 1: to harass in a
manner designed to injure, grieve, or afflict; *specif*: to cause to
suffer because of belief 2: to annoy with persistent or urgent
approaches (as attacks, pleas, or importunities): PESTER — *per-*
se-cu-tive \-kyüt-iv- adj — *per-se-cu-tor* \-kyüt-ər- n —
per-se-cu-to-ry \-kyüt-ōr-ē, -tōr-; -kyüt-ə-rē- adj

per-se-cu-tion \pər-si-kyüt-shən- n 1: the act or practice of
persecuting esp. those who differ in origin, religion, or social
outlook 2: the condition of being persecuted, harassed, or
annoyed

Per-se-id \pər-sē-əd- n [L *Perseus*; fr. their appearing to radiate
from a point in Perseus]: any of a group of meteors that appear
annually about August 11

Per-seph-o-ne \pər-sēf-ə-nē- n [L, fr. Gk *Persephone*]: a daughter
of Zeus and Demeter abducted by Pluto to reign with him over the
underworld

Per-se-us \pər-sūs, -sē-as- n [L, fr. Gk] 1: the son of Zeus and
Danaë and slayer of Medusa 2 [L (gen. *Persei*), fr. Gk]: a
northern constellation between Taurus and Cassiopeia

per-se-ver-ance \pər-sə-vir-ən(t)s- n 1: the action or condition or
an instance of persevering: STEADFASTNESS
per-se-ver-a-tion \pər-sev-ə-rā-shən- n [L *perseveratio*, *per-*
severatio, fr. *perseverare*, pp. of *perseverare*]: continuation of
something (as repetition of a word) usu. to an exceptional degree
or beyond a desired point

per-se-vere \pər-sə-vi(ə)r- vi -ver-ed; -ver-ing [ME *perseveren*, fr.
MF *perseverer*, fr. L *perseverare*, fr. *per-* through + *severus* severe]:
to persist in a state, enterprise, or undertaking in spite of counter
influences, opposition, or discouragement

Pers-ian \pər-zhən, esp Brit -shən- n 1: one of the people of
Persia: as a: one of the ancient Iranian Caucasians who under
Cyrus and his successors became the dominant Asian race b:
a member of one of the peoples forming the modern Iranian
nationality 2 a: any of several Iranian languages dominant in
Persia at different periods b: the modern language of Iran and
western Afghanistan used also in Pakistan and by Indian Muslims
as a literary language — see INDO-EUROPEAN LANGUAGES table 3
a thin soft silk formerly used esp. for linings — *Pers-ian* adj

Pers-ian cat n: a stocky round-headed domestic cat that has long
and silky fur and is the long-haired cat of shows and fanciers
Pers-ian lamb n 1: the young of the karakul sheep that furnishes
skins used in furriery 2: a pelt that is obtained from karakul
lambs older than those yielding broadtail and that is characterized
by very silky tightly curled fur

per-si-flage \pər-si-flāzh, -pər- n [F, fr. *persifler* to banter, fr. *per-*
thoroughly + *siffler* to whistle, hiss, boo fr. L *sibilare*, of imit.
origin]: frivolous bantering talk: light raillery

per-sim-mon \pər-sim-ən- n [of Algonquian origin; akin to Cree
pasimanan dried fruit] 1: any of a genus (*Diospyros*) of trees of
the ebony family with hard fine wood, oblong leaves, and small
bell-shaped white flowers; esp.: an American tree (*D. virginiana*)
or a Japanese tree (*D. kaki*) 2: the usu. orange several-seeded
globular berry of a persimmon that is edible when fully ripe but usu.
extremely astringent when unripe

per-sist \pər-sist-, -zist- vi [MF *persistere*, fr. L *persistere*, fr. *per-*
+ *sistere* to take a stand, stand firm; akin to L *stare* to stand — more
at STAND] 1: to go on resolutely or stubbornly in spite of
opposition, importunity, or warning 2 obs: to remain unchanged
or fixed in a specified character, condition, or position 3: to be
insistent in the repetition or pressing of an utterance (as a question
or an opinion) 4: to continue to exist esp. past a usual, expected,
or normal time *syn* see CONTINUE — *per-sist-er* n

per-sis-tence \pər-sis-tən(t)s-, -zis- n 1: the action or fact of
persisting 2: the quality or state of being persistent; esp:
PERSEVERANCE

per-sis-ten-cy \-tən-sē- n: PERSISTENCE 2

per-sis-tent \-tənt- adj [L *persistens*, *persistens*, prp. of *persistere*]
1 a: continuing or inclined to persist in a course b: continuing
to exist in spite of interference or treatment <a ~ cough> 2
: existing for a long or longer than usual time or continuously; as
a: retained beyond the usual period <a ~ leaf> b: continuing
without change in function or structure <~ gills> c: effective in
the open for an appreciable time usu. through slow volatilizing
<mustard gas is ~> d: degraded only slowly by the environ-
ment <~ pesticides> e: remaining infective for a relatively long
time in a vector after an initial period of incubation <~ viruses>
— *per-sis-tent-ly* adv

per-snick-e-ty \pər-snik-ət-ē- adj [alter. of *pernickety*, perh. alter.
of *particular*] 1 a: fussy about small details: FASTIDIOUS <a ~
teacher> b: having the characteristics of a snob 2: requiring
great precision: EXACTING <a ~ job>

per-son \pərs-n- n [ME, fr. OF *personne*, fr. L *persona* actor's
mask, character in a play, person, prob. fr. Etruscan *phersu* mask]
1: an individual human being; esp.: a human being as distin-
guished from an animal or thing 2: a character or part in or as
if in a play: GUISE 3 a: one of the three modes of being in the
Trinitarian Godhead as understood by Christians b: the unitary
personality of Christ that unites the divine and human natures 4

a *archaic*: bodily appearance b: the body of a human being
<unlawful search of the ~> 5: the individual personality of a
human being: SELF 6: one (as a human being, a partnership, or
a corporation) that is recognized by law as the subject of rights and
duties 7: reference of a segment of discourse to the speaker, to
one spoken to, or to one spoken of as indicated by means of certain
pronouns or in many languages by verb inflection — *per-son-hood*
\-hūd- n — in *person*: in one's bodily presence

per-so-na \pər-sō-nə, -nā- n [L] 1 *per-so-nae* \-nē, -nī- pl
: the characters of a fictional presentation (as a novel or play)
<comic *personae*> 2 pl *personas* [NL, fr. L]: an individual's
social facade or front that esp. in the analytic psychology of C. G.
Jung reflects the role in life the individual is playing — compare
ANIMA

per-son-able \pərs-nə-bəl, -nə-bəl- adj: pleasing in person
: ATTRACTIVE — *per-son-able-ness* n

per-son-age \pərs-nij, -n-ij- n 1: a person of rank, note, or
distinction; esp.: one distinguished for presence and personal
power 2: a dramatic, fictional, or historical character; also
: IMPERSONATION 3: a human individual: PERSON

per-so-na gra-ta \pər-sō-nə-grat-ə, -grāt- adj [NL, acceptable
person]: being personally acceptable or welcome

per-son-al \pərs-nəl, -nəl- adj [ME, fr. MF, fr. LL *personalis*, fr.
L *persona*] 1: of, relating to, or affecting a person: PRIVATE
<done purely for ~ financial gain> 2 a: done in person without
the intervention of another; also: proceeding from a single person
b: carried on between individuals directly <a ~ interview> 3
: relating to the person or body 4: relating to an individual or
his character, conduct, motives, or private affairs often in an
offensive manner <a ~ insult> 5: being rational and self-
conscious <~, responsive government is still possible — John
Fischer> 6: of, relating to, or constituting personal property <a
~ estate> 7: denoting grammatical person

2personal n 1: a short newspaper paragraph relating to the
activities of a person or a group or to personal matters 2: a short
personal or private communication in a special column of the
classified ads section of a newspaper or periodical

personal effects n pl: privately owned items (as clothing and
toilet articles) normally worn or carried on the person

personal equation n: variation (as in observation) occasioned by
the personal peculiarities of an individual; also: a correction or
allowance made for such variation

personal foul n: a foul in a game (as basketball) involving usu.
physical contact with or deliberate roughing of an opponent —
compare TECHNICAL FOUL

per-son-al-ism \pərs-nə-liz-əm, -nə-ə- n: a doctrine emphasizing
the significance, uniqueness, and inviolability of personality —
per-son-al-ist \-lɪst- n or adj — *per-son-al-is-tic* \pərs-nə-lis-
tik, -nə-ə- adj

per-son-al-ity \pərs-nə-lət-ē, -pərs-nəl- n, pl -ties [ME *per-*
sonalite, fr. LL *personalitas*, *personalitas*, fr. *personalis*] 1 a:
the quality or state of being a person b: personal existence 2 a:
the condition or fact of relating to a particular person; *specif*:
the condition of referring directly to or being aimed disparagingly
or hostilely at an individual b: an offensively personal remark
<indulgence in *personalities*> 3 a: the complex of characteris-
tics that distinguishes an individual or a nation or group b (1):
the totality of an individual's behavioral and emotional tenden-
cies (2): the organization of the individual's distinguishing
character traits, attitudes, or habits 4 a: distinction or excellence
of personal and social traits; also: a person having such quality
b: a person of importance, prominence, renown, or notoriety <a
well-known stage ~> *syn* see DISPOSITION

personality inventory n: any of several tests that attempt to
characterize the personality of an individual by objective scoring of
replies to a large number of questions concerning his own behavior
— compare MINNESOTA MULTIPHASIC PERSONALITY INVENTORY

personality test n: any of several tests that consist of standard-
ized tasks designed to determine various aspects of the personality
or the emotional status of the individual examined

per-son-al-ize \pərs-nə-liz-, -nə-ə- v -ized; -iz-ing 1: PERSONIFY
2: to make personal or individual; *specif*: to mark as the
property of a particular person <personalized stationery> —
per-son-al-iza-tion \pərs-nə-lə-zā-shən, -nə-ə- n

per-son-al-ly \pərs-nə-lē, -nə-ə- adv 1: in person <attend to the
matter ~> 2: as a person: in personality <~ attractive but not
very trustworthy> 3: for oneself: as far as oneself is concerned

personal pronoun n: a pronoun (as *I*, *you*, or *they*) that expresses
a distinction of person

personal property n: property other than real property consisting
of things temporary or movable: CHATEL

personal shopper n: a person (as a store employee) who assists
shoppers in choosing their purchases or who personally selects
merchandise to fill telephone or mail orders

personal tax n: DIRECT TAX

per-son-al-ty \pərs-nəl-tē, -nəl- n, pl -ties [AF *personalité*, fr.
LL *personalitas*, *personalitas*] 1: PERSONAL PROPERTY
per-so-na non gra-ta \pər-sō-nə-nən-grat-ə, -grāt- adj [NL,
person not acceptable]: being personally unacceptable or unwel-
come

per-so-nate \pərs-nət, -nət- adj [L *personatus* masked, fr.
persona mask] 1 of a bilabiate corolla: having the throat nearly
closed by a palate 2: having a personate bilabiate corolla <a ~
flower>

2person-ate \pərs-nən-āt- v -at-ed; -at-ing 1 a: IMPERSONATE.
REPRESENT b: to assume without authority some character or

ə about ʰ kitten or further a back ā bake ä cot, cart
au out ch chin e less ē easy g gift i trip i life
j joke ʒ sing o flow o flaw oi coin th thin th this
ü loot ʰ foot y yet yū few yū furious zh vision